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Recovery Act (RCRA)). This five-tiered program matches the regulatory requirements to the degree of risk posed by the facility's activities.

The permitting tiers consist of: Full Permit, Standardized Permit, Permit by Rule (PBR), Conditionally Authorized (CA), and Conditionally Exempt (CE). They are arranged in descending order of regulatory oversight.

- **The Full Permit tier** allows treatment and storage of RCRA and California only (non-RCRA) hazardous waste pursuant to Title 40, Code of Federal Regulations (C.F.R.), parts 264 and 270, and California Code of Regulations, title 22, section 66264.1 et seq., and section 66270.1 et seq. It includes all facilities requiring a RCRA permit (such as incinerators and land disposal facilities), and selected non-RCRA activities. *TTUs are eligible for authorization under this tier.*
- **The Standardized Permit tier** allows offsite treatment and storage of non-RCRA and RCRA-exempt hazardous waste (Health & Saf. Code §25201.6). It includes, but is not limited to, recyclers, oil transfer stations, and precious metals recyclers. *Note: TTUs are eligible for authorization under this tier.*
- **The Permit By Rule tier** allows onsite treatment of non-RCRA and RCRA-exempt hazardous waste (Cal. Code Regs., tit. 22, §67450.11). This tier is for more hazardous and higher volume

wastestreams and processes than the two lower tiers. *Note: TTUs are eligible for authorization under this tier.*

- **The Conditionally Authorized tier** allows onsite treatment of non-RCRA and RCRA-exempt hazardous waste (Health & Saf. Code §25200.3). This tier is limited to single-hazard wastes and treatment in the unit cannot exceed 5,000 gallons or 45,000 pounds in a calendar month. However, there is no volume limit for treatment of specified dilute aqueous, acidic, alkaline, or oily wastes. *Note: TTUs are not eligible for authorization under this tier.*
- **The Conditionally Exempt tier** allows onsite treatment of non-RCRA and RCRA-exempt hazardous waste (Health & Saf. Code §25201.5(a) and (c), §25201.14, and §25144.6(c)). This tier is for smaller quantities or less risky waste and treatment methods. It includes Conditionally Exempt-Small Quantity Treatment, Conditionally Exempt-Specified Wastestreams, Conditionally Exempt-Commercial Laundries, and Conditionally Exempt-Limited. *Note: TTUs are eligible for authorization only under the Conditionally Exempt-Small Quantity Treatment, and Conditionally Exempt-Specified Wastestreams tiers.*

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## Am I eligible to operate a TTU under PBR?

You are eligible to operate a TTU under PBR if both your wastestream and treatment process are listed in California Code of Regulations, section 67450.11. A list of these wastestreams and treatment processes is included in this fact sheet on pages seven to ten. Additionally, to be eligible:

- You may only treat waste that is generated onsite and treatment must occur in tanks or containers;
- A TTU may operate at each site for up to one year. For good cause shown, you may be granted up to two six-month extensions;
- You may not treat waste that is reactive or extremely hazardous;
- You may not treat waste that requires a federal hazardous waste treatment permit under RCRA;
- You may not treat waste in landfills, surface impoundments, injection wells, waste piles, land treatment units, or thermal destruction units; and
- You may treat waste at an off-site facility, only if the off-site facility is authorized to manage the same wastestream with the treatment process to be used by the TTU. The total processing rate for any wastestream, including all fixed units and all TTUs, cannot exceed, at any time, the capacity stated in the facility's permit or grant of authorization.

**PBR Requirements for TTUs:** If you intend to operate a TTU under the PBR tier,

you must comply with the following requirements:

**Unit Specific Notification:** For each TTU that you operate, submit to DTSC four completed copies of the *Transportable Treatment Unit Permit by Rule/Conditional Exemption Unit-Specific Notification* (DTSC Form 1199, (1/96)). You must submit the forms at least **45 days** before beginning the first waste treatment. If you demonstrate good cause, DTSC can shorten the time period between notification and treatment. You must also submit four annual notifications (same form as above) by March 1<sup>st</sup> of each year following the year in which you submitted the initial notifications, unless DTSC notifies you of an alternate submittal date (Cal. Code Regs., tit. 22, §67450.3(a)). *Note: For example, an alternate submittal date may be 1 year from the date of permit issuance.*

Forms are available from DTSC Headquarters, by calling (916) 323-2678, or writing to DTSC Headquarters, Attn. TTU Notifications, P.O. Box 806, Sacramento, California 95812-0806. (Note: forms may also become available on DTSC's web site in the future). Complete each notification as required by California Code of Regulations, section 67450.2(a)(2). Sign and date each form as required by section 66270.11. Mail the forms to DTSC, by certified mail with return receipt requested, to the above address.

**Note:** For expedited processing, please submit a *site specific* notification at the same time with your *unit specific* notification(s).

**Site Specific Notification:** Prior to conducting treatment at any site, you must notify DTSC, as required by the California Code of Regulations, title 22, section 67450.3(a)(3). Submit a *Transportable Treatment Unit Permit by Rule Site-Specific Notification* (DTSC Form 1197 (1/96) for each site where the TTU will perform treatment to DTSC Headquarters. You must submit the form at least **21 days** prior to each site visit. If you demonstrate good cause, DTSC can shorten the time period between notification and treatment.

Forms are available from DTSC Headquarters by calling (916) 323-2678, or writing to DTSC Headquarters, Attn. TTU Notifications, P.O. Box 806, Sacramento, California 95812-0806. Complete the form as required by California Code of Regulations, section 67450.3(a)(3). Sign and date the notification as required by section 66270.11. You must also attach certification that you have notified the local Certified Unified Program Agency (CUPA) and other affected local agencies of the intended dates of operation of the TTU (see Cal. Code Regs., §67450.3(a)(3)(B)). Mail the forms to DTSC, by certified mail with return receipt requested, to the above address.

If a change occurs to any information contained in your notification, submit an amended notification page within 30 days of the change (Cal. Code Regs., tit. 22, §67450.3(a)(2)). Always keep copies of the notifications that you submitted and DTSC acknowledgments.

**Generator Operating Standards:** If you operate a TTU under PBR and generate hazardous waste, you must comply with hazardous waste generator standards in California Code of Regulations, title 22,

division 4.5, chapter 12. For an overview of these standards, see DTSC's fact sheets titled "Hazardous Waste Generator Requirements Fact Sheet" (January 2002) and "Accumulating Hazardous Wastes at Generator Sites Fact Sheet" (January 2002). Copies of these fact sheets are available on DTSC's internet website at [http://www.dtsc.ca.gov/HazardousWaste/upload/HWM\\_FS\\_Generator\\_Requirements.pdf](http://www.dtsc.ca.gov/HazardousWaste/upload/HWM_FS_Generator_Requirements.pdf) and [http://www.dtsc.ca.gov/HazardousWaste/upload/HWM\\_FS\\_Accumulating\\_HazWasteGenerators.pdf](http://www.dtsc.ca.gov/HazardousWaste/upload/HWM_FS_Accumulating_HazWasteGenerators.pdf), respectively.

**Operating Records:** If you generate hazardous waste, you must maintain all records required by the hazardous waste generator standards. In addition, all owners and operators of TTUs operating under PBR must maintain the following records at the site where the TTU is operating (Cal. Code Regs., tit. 22, §67450.3(a)(10)):

- A waste analysis plan for the treatment operation as specified in section 66265.13(b);
- A written inspection schedule as specified in section 66265.15(b);
- Training documents as specified in section 66265.16(d)(3) as they pertain to the operator(s);
- A contingency plan which contains the information specified in section 66265.52;
- A copy of the most recent Unit-Specific Notification submitted as required by sections 67450.2(a)(1), 67450.3(a)(1) and 67450.3(a)(2), and DTSC acknowledgement;
- A copy of the most recent Site-Specific Notification as specified in sections 67450.3(a)(3) and 67450.3(a)(4), and DTSC

- acknowledgement;
- A copy of the closure plan as required in section 67450.3(a)(13)(B); and
  - Documentation of any convictions, judgments, settlements, or orders resulting from any action by any local, State, or federal environmental or public health enforcement agency concerning the operation of the facility within the last three years (Cal. Code Regs., tit. 22, §67450.3(a)(10)(H)).

**Containers:** If you treat hazardous waste in containers, you must comply with the standards for container storage and transfer activities specified in California Code of Regulations, title 22, division 4.5, chapter 14, section 66264.175, and chapter 15, article 9 (commencing with section 66265.170). Requirements include proper management for all container transfer and storage areas, proper management of the containers to prevent leaks, and weekly inspections of the storage areas.

**Tanks:** If you treat hazardous waste in tanks (onground or aboveground) you must comply with the standards for storage and treatment of hazardous wastes in tanks specified in the California Code of Regulations, title 22, division 4.5, chapter 15, article 10 (sections 66265.190-66265.199, except 66265.197). Most new and existing tanks must undergo an integrity assessment and have secondary containment before being placed into service. The assessment must be in writing and certified by a qualified professional engineer (Cal. Code Regs., tit. 22, §66265.192(a)). Tanks must be reassessed every five years.

Several small categories of existing tanks may be temporarily exempt from secondary containment requirements (for details, see Cal. Code Regs., tit. 22, §66265.193). Those tanks must undergo an integrity assessment every year. The assessment must be in writing and certified by a professional engineer (see Cal. Code of Regs., tit. 22, §66265.191).

**Fees:** If you operate a TTU under PBR, you will be billed an annual PBR fee. The fee is assessed by the Board of Equalization as specified in the Revenue and Taxation Code, section 43152.10. The fee for 2004 was \$1,162 per treatment unit. You will be billed annually, until the unit has been certified closed, according to California Code of Regulations, title 22, section 67450.3(a)(13). If you operate during any part of a calendar year, you may be billed a PBR fee for the entire year.

**Financial Assurance for Closure:** You must prepare a written estimate of the cost to close each treatment unit. Estimate the actual cost that you would incur in closing each unit when using your own staff and personal equipment. You may take into account any salvage value that may be realized from the sale of the wastes, facility structure or equipment, land or other facility assets. Attach this estimate to the *Certification of Financial Assurance for Permit by Rule and Conditionally Authorized Operations* page of the *Unified Program Consolidated Form (12/99)* and submit to DTSC with your initial notification (the form is available on the Internet at <http://www.calepa.ca.gov/Publications/Title27/Hwfl232.pdf>). You must adjust the estimate for inflation by March 1<sup>st</sup> of each year using a specified inflation factor, and revise the closure plan whenever a

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change in the plan increases the cost of closure (Cal. Code Regs., tit.22, §67450.13(a)).

If your closure cost estimate is more than \$10,000, you must provide financial assurance for closure of the treatment units by one of the financial mechanisms listed in California Code of Regulations, title 22, section 67450.13(a)(5), or an alternative mechanism, as provided by section 67450.13(c). Submit the financial assurance mechanism with your initial notification(s) to DTSC, at least **45 days** before commencing the first treatment of waste.

If your closure cost estimate is \$10,000 or less, you do not need to submit a financial assurance mechanism. However, you must submit to DTSC a signed statement by which you certify that the TTU facility has sufficient financial resources to cover the cost of closure (Cal. Code Regs., tit.22, §67450.13(d)). *Note: PBR facilities are not required to have third party liability insurance for environmental accidents.*

**Security:** You and/or the owner or operator of the facility where the TTU is operating must take certain measures to prevent the unknowing entry, and minimize the possibility of the unauthorized entry of persons or livestock onto the active portion of the facility, unless you can demonstrate that:

- Physical contact with the waste, structures, or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock; and
- Disturbance of the waste or equipment by the unknowing or

unauthorized entry of persons or livestock will not cause a violation of the hazardous waste requirements in California Code of Regulations, title 22, division 4.5, chapter 15.

Otherwise, to ensure security you and/or the facility owner or operator must provide:

- A 24 - hour surveillance system which continuously monitors and controls entry onto the active portion of the facility (e.g., television monitoring or surveillance by guards or facility personnel); or
- An artificial or natural barrier (e.g., a fence in good repair, or a fence combined with a cliff) which completely surrounds the active portion of the facility, and a means to control entry at all times (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility). For more information, see Health and Safety Code section 25200.3(c)(1), and California Code of Regulations, title 22, section 66265.14.

**Closure of Treatment Units:** You are required to prepare and maintain a written closure plan pursuant to California Code of Regulations, section 67450.3(a)(13). When you cease operating any treatment unit that was authorized under PBR, you must remove or decontaminate all hazardous waste, waste residues, container system components, soils, and other structures or equipment contaminated with hazardous waste from the unit.

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In addition, the TTU owner or operator and an independent professional engineer registered in California must certify that the treatment unit has been closed according to the closure plan and the regulations (see Cal. Code Regs., § 67450.3(a)(13)(G)). If hazardous waste contamination of the site has occurred, you must notify DTSC. You should also notify the local Certified Unified Program Agency (CUPA).

If you permanently cease operation of the unit, you must notify DTSC in writing that you have properly closed the unit pursuant to California Code of Regulations, section 67450.3(a)(13). This notification should include the following information: company name and address, EPA ID number, tier of authorized unit(s), and date of closure.

**Public Notice and Local Land Use:** For purposes of local land use decisions, your business is not considered a hazardous waste treatment facility if it is authorized under PBR. Also, you are not required to publish a public notice regarding your treatment operation.

**Inspection Programs:** DTSC may inspect your TTU at any time. At a minimum, your TTU will be inspected within two years of your initial notification, and then every three years thereafter (Health & Saf. Code §25201.4(b)(2)).

**Disclosure Requirement:** You are not required to provide a full disclosure statement according to Health and Safety Code section 25200.4. However, you must provide a disclosure statement documenting any convictions, judgments, settlements or orders resulting from environmental violations concerning the operation of the facility within the previous

three years (Cal. Code Regs., tit. 22, §67450.3(a)(10)(H)).

**Training Classes:** California Compliance School offers training on Tiered Permitting. The class focuses on how to comply with hazardous waste management requirements. Call California Compliance School at 1-800-337-1422, or access its web site at [www.compliance.org](http://www.compliance.org) for information regarding class times, locations, cost, and enrollment instructions. California Compliance School also offers four generator modules, with classes available at central locations statewide or at your worksite.

**PBR Waste Streams:** The following items are the eligible wastestreams and treatment processes for TTUs operating under PBR (Cal. Code Regs., §67450.11).

1. Aqueous wastes containing hexavalent chromium may be treated by reduction of hexavalent chromium to trivalent chromium with sodium bisulfite, sodium metabisulfite, sodium thiosulfate, ferrous sulfate, ferrous sulfide or sulfur dioxide, provided both pH and addition of the reducing agent are automatically controlled.
2. Aqueous wastes containing metals listed in California Code of Regulations, title 22, section 66261.24(a)(2), and/or fluoride salts may be treated by the following technologies:
  - (A) pH adjustment or neutralization;
  - (B) Precipitation or crystallization;
  - (C) Phase separation by filtration, centrifugation, or gravity settling;\*
  - (D) Ion exchange;
  - (E) Reverse osmosis;
  - (F) Metallic replacement;

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- (G) Plating the metal onto an electrode;
- (H) Electrodialysis;
- (I) Electrowinning or electrolytic recovery;
- (J) Chemical stabilization using silicates and/or cementitious types of reactions;
- (K) Evaporation; and\*
- (L) Adsorption.
3. Aqueous wastes with total organic carbon less than ten percent (10%) as measured by EPA Method 9060 described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," SW-846, 3rd Edition, U.S. Environmental Protection Agency, 1986, and less than one percent (1%) total volatile organic compounds as measured by EPA Method 8240 described in "Test Methods for Evaluating Solid Waste, Physical/Chemical methods," SW-846, 3rd Edition, U.S. Environmental Protection Agency, 1986, may be treated by the following technologies:
- (A) Phase separation by filtration, centrifugation or gravity settling, but excluding super critical fluid extraction;\*
- (B) Adsorption;
- (C) Distillation;
- (D) Biological processes conducted in tanks or containers and utilizing naturally occurring microorganisms;
- (E) Photodegradation using ultraviolet light, with or without the addition of hydrogen peroxide or ozone, provided the treatment is conducted in an enclosed system; and
- (F) Air stripping or steam stripping.
4. Sludges, dusts, solid metal objects, and metal workings which contain or are contaminated with metals listed in California Code of Regulations, title 22, section 66261.24(a)(2) and/or fluoride salts, may be treated by the following technologies:
- (A) Chemical stabilization using silicates and/or cementitious types of reactions;
- (B) Physical processes, which change only the physical properties of the waste such as grinding, shredding, crushing, or compacting;
- (C) Drying to remove water; and
- (D) Separation based on differences in physical properties such as size, magnetism, or density.
5. Alum, gypsum, lime, sulfur, or phosphate sludges may be treated by the following technologies:
- (A) Chemical stabilization using silicates and/or cementitious types of reactions;
- (B) Drying to remove water; and
- (C) Phase separation by filtration, centrifugation, or gravity settling.\*
6. Wastes listed in California Code of Regulations, title 22, section 66261.120, that meet the criteria and requirements for special waste classification in section 66261.122 may be treated by the following technologies:
- (A) Chemical stabilization using silicates and/or cementitious types of reactions;
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- (B) Drying to remove water;\*
- (C) Phase separation by filtration, centrifugation or gravity settling;
- (D) Screening to separate components based on size; and
- (E) Separation based on differences in physical properties such as size, magnetism, or density.

7. Wastes, except asbestos, which have been classified by DTSC as special wastes pursuant to California Code of Regulations, title 22, section 66261.124, may be treated by the following technologies:

- (A) Chemical stabilization using silicates and/or cementitious types of reactions;
- (B) Drying to remove water;
- (C) Phase separation by filtration, centrifugation, or gravity settling; and
- (D) Magnetic separation.

8. Inorganic acid or alkaline wastes may be treated by the following technology:

- (A) pH adjustment or neutralization.

9. Soils contaminated with metals listed in California Code of Regulations, title 22, section 66261.24(a)(2), may be treated by the following technologies:

- (A) Chemical stabilization using silicates and/or cementitious types of reactions;
- (B) Screening to separate components based on size; and
- (C) Magnetic separation.

10. Used oil, as defined in Health and Safety Code section 25250.1, unrefined

oil waste, mixed oil, oil mixed with water and oil/water separation sludges may be treated by the following technologies:

- (A) Phase separation by filtration, centrifugation, or gravity settling, but excluding super critical fluid extraction;\*
- (B) Distillation;
- (C) Neutralization;
- (D) Separation based on differences in physical properties such as size, magnetism, or density;
- (E) Reverse osmosis; and
- (F) Biological processes conducted in tanks or containers and utilizing naturally occurring microorganisms.

11. Containers of 110 gallons or less capacity which are not constructed of wood, paper, cardboard, fabric or any other similar absorptive material, which have been emptied as specified in California Code of Regulations, title 22, section 66261.7, or inner liners removed from empty containers that once held hazardous waste or hazardous material, may be treated by the following technologies:

- (A) Rinsing with a suitable liquid capable of dissolving or removing the hazardous constituents which the container held; and
- (B) Physical processes such as crushing, shredding, grinding, or puncturing, that change only the physical properties of the container or inner liner, provided the container or inner liner is first rinsed as provided in California Code of

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Regulations, title 22, section 67450.11(a)(11)(A) and the rinseate is removed from the container or inner liner. (Note: rinseate and treated containers must be managed in accordance with applicable requirements).

12. Multi-component resins may be treated by the following process:

- (A) Mixing the resin components together in accordance with the manufacturer's instructions.

13. Certified Technology: You may treat any wastestream and treatment technology combination certified by DTSC as appropriate for authorization under the Conditionally Exempt Small Quantity Treatment tier, pursuant to Health and Safety Code section 25200.1.5

\* **Note:** Authorizations or permits are not required if the owner or operator of the FTU conducts activities exempted under the definition of treatment (see the definition of treatment).

## Definitions

### **Certified Unified Program Agency**

**(CUPA):** A CUPA is a local agency, such as a county, city, or Joint Powers Agency that is certified by the Secretary for Environmental Protection to implement the Unified Program within a jurisdiction as specified in the Health and Safety Code division 20, chapter 6.11. The CUPAs are responsible for consolidating, coordinating, and making consistent many environmental programs.

**Fixed Treatment Unit (FTU):** An FTU is any equipment that performs hazardous waste treatment that is permanently stationed at a single facility regardless of the period or frequency of treatment.

**Onground Tank:** A device meeting the definition of "tank," situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected (see Cal. Code Regs., tit. 22, §66260.10).

**Phase I Environmental Assessment:** A preliminary site assessment based on reasonably available knowledge of the facility, including, but not limited to, historical use of the property, prior releases, visual and other surveys, records, consultant reports, and regulatory agency correspondence.

### **Transportable Treatment Unit (TTU):**

A TTU is any mobile equipment that performs treatment, is transported to a facility to perform a treatment, and is not permanently stationed at a single site.

**Treatment:** Any method, technique, or process which is not otherwise excluded, or which is designed to change the physical, chemical, or biological character or composition of the hazardous waste or material it contains, or which removes or reduces its harmful properties or characteristics for any purpose. If the activity that you are conducting is consistent with this definition, you are required to obtain a permit or a grant of authorization through your CUPA. However, if your activity is not considered regulated treatment, you do not need a permit or grant of authorization. The

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following activities do not require a permit or a grant of authorization (see Health & Saf. Code §25123.5):

- Sieving or filtering liquid hazardous waste to remove solid fractions, without added heat, chemicals, or pressure, as the waste is added to or removed from a storage or accumulation tank or container (sieving or filtering does not include adsorption, reverse osmosis, or ultra-filtration).
- Phase separation of hazardous waste during storage or accumulation in tanks or containers, if the separation is unaided by the addition of heat or chemicals. If the phase separation occurs at a commercial offsite permitted storage facility, all phases of the hazardous waste must be managed as hazardous waste after separation.
- Combining two or more wastestreams that are compatible into a single tank or container if both of the following conditions apply:
  1. The wastestreams are being combined solely for the purpose of consolidated accumulation or storage or consolidated offsite shipment, and they are not being combined to meet a fuel specification or to otherwise be chemically or physically prepared to be treated, burned for energy value, or incinerated; and

2. The combined wastestream is managed in compliance with the most stringent of the regulatory requirements applicable to each individual wastestream.

- Evaporating water from hazardous wastes in tanks or containers, such as breathing and evaporation through vents and floating roofs, without adding pressure, chemicals, or heat other than sunlight or ambient room lighting or heating.
- Combining glutaraldehyde or orthophthalaldehyde, used by medical facilities to disinfect medical devices, with formulations containing glycine as the sole active chemical, if the process is carried out onsite. This activity is only allowed for medical facilities.

**Unified Program:** The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program is commonly referred to as the Unified Program. The Unified Program consolidated several major environmental management and emergency management programs at the local government level to help businesses subject to waste management requirements comply with the legal requirements (Health & Saf. Code, div. 20, ch. 6.11).

**Unit:** A unit is a tank, container, or a combination of tanks or tank systems and/or containers located together that are used in sequence to treat or accumulate one or more compatible hazardous wastestreams. The devices are either

plumbed together or otherwise linked so as to form one treatment system (see Cal. Code Regs., tit. 22, §66260.10).

## **Disclaimer**

This fact sheet does not replace or supersede relevant statutes and regulations. The information contained in this fact sheet is based upon the statutes and regulations in effect as of the date of the fact sheet. Interested parties should always review the most recent relevant statutes and regulations.

For assistance or additional information, you can contact the DTSC office nearest you and the DTSC Public and Business Liaisons at (800) 72TOXIC (1-800-728-6942), or visit DTSC's Internet web site, at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).

***For more information, contact the DTSC office nearest you, or call the regional Public and Business Liaisons at (800) 72-TOXIC (800-728-6942). From outside California, call (916) 255-3545.***

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